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MEMO ENDORSED

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November 8, 2021

By ECF

Honorable Valerie E. Caproni
United States District Judge
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: United States v. Zhongsan Liu, 19 Cr. 804 (VEC)

Dear Judge Caproni:

I am writing regarding the trial schedule in this matter, and to update the Court regarding matters discussed at the June 22, 2021, conference in this matter. Among other things, at that conference, the Court advised Mr. Liu to supplement his team with someone who has federal criminal experience and has tried cases in federal Court. Consistent with Your Honor's advice, Mr. Liu has added me as co-counsel to his team. I served for nearly fifteen years with the government, approximately twelve of those as an Assistant United States Attorney in this District, including three years as a Deputy Chief of Appeals. I have conducted federal criminal trials in this District both as a prosecutor and defense lawyer, most recently in the four-week jury trial of *United States v. Middendorf (Wada)*, 18 Cr. 36, before Judge Oetken. I filed my notice of appearance on September 15, 2021. I look forward to appearing before Your Honor.

Mindful both of the defense's request that witnesses at a jury trial be unmasked, as well as Your Honor's indication at the June 22, 2021, conference that Your Honor intended to conduct the trial in the first quarter of 2022 at the latest, we have assessed the issues and trial preparation schedule as a defense team and consulted with the government. Based on that assessment and consultation, we respectfully propose that the trial be scheduled for Monday, February 28, 2022. Barring additional significant discovery, we believe that this proposed trial date will provide sufficient time for the newly-augmented defense team to prepare. The government has authorized us to state that it has no objection to this proposed trial date. I should also note that I have a personal scheduling conflict for the week of March 21, 2022, during which I plan to be out of the District. The February 28, 2022, start date comfortably permits completion of the trial before this schedule conflict.

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Although the proposed trial date is months away, we would like to also flag a potential scheduling and logistical challenge in this case—the need for overseas Rule 15 depositions. We are not now requesting those depositions, as we are still in the early stages of trial preparation, but we note that certain individuals who are directly involved in the events at issue in this case are no longer in the United States, and likely can provide testimony providing substantial proof facts material to this felony prosecution. In addition, due to holidays surrounding the Lunar New Year (which this year falls on February 1, 2022), scheduling Rule 15 depositions during the first two weeks of February 2022 may be a challenge. Accordingly, we have proposed the February 28, 2022, trial date in contemplation of possibly conducting overseas Rule 15 depositions during the last week of January 2022. We have alerted the government to our view that there are potential scheduling and logistical issues relating to possible Rule 15 depositions.

Accordingly, we respectfully request that an in-person jury trial of this matter be set for February 28, 2022.

Respectfully submitted

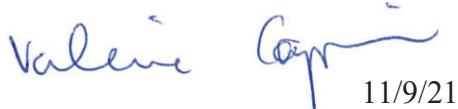


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The Court will request a trial date for on or about February 28, 2022 from within the internal trial scheduling system and inform the parties when the trial has been scheduled.

The Court encourages counsel to make any application for permission to conduct overseas depositions as soon as is practical.

SO ORDERED.



11/9/21

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE